

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Civil Docket No.: 5:09CV131-V**

MICHAEL H. ROBINSON,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
IREDELL COUNTY SHERIFF'S)	
OFFICE / DEPARTMENT,)	
)	
Defendant.)	

THIS MATTER comes before the Court on Defendant's Motion for Summary Judgment pursuant to Rule 56. (Documents ##10, 11) Having carefully reviewed the record, it appears that the Defendant may be entitled to dismissal of this action as a matter of law on one or more grounds. *See Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975).

PLAINTIFF ROBINSON READ THIS:

You have the opportunity to supplement your February 2, 2011 Response to the Defendant's Motion. (Document #12) You may not allege new facts surrounding the events in question within your response. You should base your response and/or argument(s) solely on the allegations contained in your original Complaint and/or the Defendant's Motion for Summary Judgment.

You are further advised that you have approximately twenty (20) days from the filing of this Order, or through **Tuesday, November 8, 2011**, in which to supplement your response as you see fit. In addition to the written statement you have already provided the Court, you are entitled to submit any documents, affidavits, unsworn declarations, or other documentary or testimonial evidence that may support your claim.¹

¹ As found in Subsection (e) of Rule 56:

FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO SUMMARY DISMISSAL.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Plaintiff has until **Tuesday, November 8, 2011**, in which to supplement his written response consistent with FED. R. CIV. P. 56 and the terms of this Order. **IT IS FURTHER ORDERED** that the Deputy Clerk send Plaintiff a copy of this Order via certified mail, return receipt requested.

Signed: October 17, 2011



Richard L. Voorhees
United States District Judge



“Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.”

FED. R. CIV. P. 56(e).